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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yongxin Han et al.

Serial No.: 10/511,736 **Case No.:** MC058YP

Filed: October 18, 2004

For: EP4 Receptor Agonist, Compositions and Methods Thereof

Art
416

Aut
S. B.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Chadman Dore Date June 19, 2008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is filed in response to the restriction requirement mailed May 22, 2008 and for which a response is due on June 22, 2008. Claims 1-25 are currently pending in the application and are subject to the following restriction under 35 U.S.C. 121:

Group I: claims 1-16 drawn to a method of treating an eye disease.

Group II: claims 17-25, drawn to a compound and compositions for treating eye diseases.

Applicants elect Group II, claims 17-25, drawn to a compound and compositions with traverse.

35 U.S.C. 121 specifies that if two or more independent and/or distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of the inventions. See MPEP 802.01. Independent generally means that there is no disclosed relationship between the two or more claimed inventions. "Distinct" means that the inventions, although related, are capable of separate use and patentably distinguishable.

Case MC058YP

The Examiner based the restriction on the ground that the compounds lack a single inventive concept. However, the technical feature of the claimed compounds is a sulfur or oxygen substituted pyrrolidine. Thus, a search of the compounds in Group II would require no additional burden on the part of the Examiner to conduct the prior art search for examination of the present application in total.

As required by the Examiner, applicants further elect the compound of example 7 as the species, and assert that claims 17-25 are identified as encompassing the elected invention.

In view of the above, the Examiner is respectfully requested to withdraw the restriction requirement.

Authorization is hereby given to charge any fees which may be due as a result of this petition to Deposit Account No. 13-2755.

Respectfully submitted,

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Date: June 17, 2008